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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Sixteenth session

SUMMARY RECORD OF THE 8th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 2 May 1997, at 10 a.m.

Chairman: Mr. ALSTON

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The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (agenda item 7)

Initial report of Zimbabwe (E/1990/5/Add.28; HRI/CORE.1/Add.55; E/C.12/Q/ZIM.1)

1. At the invitation of the CHAIRPERSON, Mr. Chifamba, Mr. Zavazava and Mr. Chikorowondo (Zimbabwe) took places at the Committee table.

2. Mr. CHIFAMBA (Zimbabwe) said that immense progress had been made in the implementation of the provisions of the Covenant. The number of primary and secondary educational establishments had increased considerably, one of the results being a dramatic rise in enrolment and hence literacy levels. Numerous centres of higher education had opened. The number of universities had increased from one in 1980 to five. More schools were being built to ensure that no child lived more than 6 km from a school.

3. In the area of health, more hospitals and clinics were being built and health personnel trained. Measures were being taken to ensure that all social categories had access to health care and shelter. In the areas of labour and the rights of women, children and minorities, new legislation was being enunciated to ensure the full enjoyment of rights by all. As a result of the globalization of the economy, Zimbabwe had had to make changes in its economic system, leading to the formulation of the Economic Structural Adjustment Programme in 1990. Its effects had been beneficial on the whole, particularly for agriculture, where output had increased, and for prices, which had risen. With government assistance, the country's economic potential had already made it possible to diversify local production, and the future looked promising.

4. However, Zimbabwe had encountered a number of difficulties which impeded the realization of economic, social and cultural rights. The structural adjustment programme had had adverse medium-term impacts in a number of sectors, obliging some companies to close and hence to dismiss staff. Those who lost their jobs were provided with assistance for retraining and often found jobs in the informal sector of the economy, hence a significant increase in the number of persons in that sector. Those who did not succeed in resuming work could always benefit from State assistance through the Social Dimensions Fund.

5. In the spheres of health and education, recovery measures had had to be taken with the result that, while primary education and health care were still provided in rural areas, where the majority of the people lived, in urban areas the people were being asked for a modest contribution. The few families with insufficient resources to cope with that situation were provided with assistance.

6. The severe drought experienced by the country in 1991-1992 was another setback that had considerably affected the implementation of the provisions of the Covenant. It had set in at the beginning of the implementation of the

structural adjustment programme, meaning that the Government had had to divert some of the funds allocated for that programme to import food. Free food and seeds were provided to the people. The drought had also had distorted effects on industrial output, in so far as industrial water and electricity needs had not been met. The State had therefore had to contend with increased social welfare needs and to draw extensively on its limited resources, negatively affecting programmes for the provision of shelter and rural electrification.

7. The structural adjustment programme was now entering its second stage, known as ZIMPREST, the Zimbabwe Programme for Economic and Social Transformation. It was a short-term strategy designed to expand the economy, create jobs by attracting investment, enhance the standard of living and reduce poverty. Applied to the implementation of the long-term objectives of the Government's Vision 2020 Programme, it sought to put the country on a sustainable growth path. In that way Zimbabwe hoped to overcome poverty and unemployment and secure the realization of economic, social and cultural rights at the national level by the turn of the century.

8. In order to help change attitudes - especially with regard to education, gender fairness and economic empowerment - the Government had launched educational programmes to promote awareness of social and cultural rights. Various mechanisms had also been created to protect the cultural heritage, artistic production, etc. No cultural category was disadvantaged.

9. While the report before the Committee was exhaustive in many respects, it did not sufficiently outline the historical background pertinent to the birth of independent Zimbabwe. The country's recent colonial past (1890-1979) accounted for many shortcomings in the realization of economic, social and cultural rights observed during the current period. Everything had been focused on the political, economic, social and cultural needs and interests of the settlers who reigned supreme, and nothing had ever been done for the country's black majority in the field of education, health, employment and socio-cultural development except where the needs of the white minority in power called for some blacks to receive training of use in commerce and industry. As a result, the Government of Zimbabwe had inherited a totally inappropriate socio-cultural system and economic infrastructure which could not cope with the needs of the people. The entire country had to be rebuilt. The Government had had no choice but to utilize the scarce resources available to pursue that task, which it was determined to complete. The Committee's observations in its sphere of competence would help it to continue the efforts made to date.

10. The CHAIRPERSON said that the members of the Committee would find answers to questions 1 to 9 on the list of issues in the State party's written replies (pp. 12-14) in the file, in English, without a symbol.

11. Mrs. BONOAN-DANDAN asked how many of the children attending primary school whose parents were unable to pay the contribution referred to by the representative of Zimbabwe needed assistance. On the subject of information and publicity relating to the Covenant, she noted that no non-governmental organizations had participated in the preparation of the report, although

certain NGOs were very active in Zimbabwe. What was the explanation? She also wished to know more about the information campaigns on economic, social and cultural rights.

12. Mr. SADI asked what was the status of the Covenant in Zimbabwe. It seemed that the Covenant could not be directly invoked before the courts, and therefore that the rights set out in it could not be the subject of an appeal. Was that the case? To what extent were such rights taken into account when the country's economic policy was formulated, bearing in mind that there was still a gap between the well-off and the rest?

13. Mr. TEXIER asked whether social welfare safety nets had been introduced in Zimbabwe to counter the adverse effects of the structural adjustment plan on the most vulnerable social groups. That plan, implemented in particular in the form of privatizations, was indeed useful in macroeconomic terms, but it had adverse effects in the sphere of education, access to health and nutrition for the poorest groups. It also seemed that, under the Constitution of Zimbabwe, only civil and political rights fell under the purview of the courts. In most countries, a number of economic, social and cultural rights - such as trade union rights and the right to housing - could be the subject of appeals in the courts. What was the situation in Zimbabwe in that respect? Lastly, what publicity did Zimbabwe plan to give to the concluding observations the Committee would adopt on the initial report?

14. Mr. ADEKUOYE wished to know what measures the Government of Zimbabwe had taken to make the provisions of the Covenant known in official and other circles and to raise levels of schooling among women to enable them to make a greater contribution to national development. He also sought further information on initiatives that had been taken at the regional level to help Zimbabwe to address its problems of inflation.

15. Mr. THAPALIA sought information on the functions of the Supreme Court of Zimbabwe and its place in the country's legal system. He also asked whether anyone in Zimbabwe could invoke the provisions of the Covenant before the courts without discrimination. Referring to article 2 of the Constitution, he wondered why discrimination on grounds of sex was not mentioned.

16. Mr. GRISSA sought further information on the impact of the recent settlement of internal conflicts and economic recovery in the neighbouring countries on Zimbabwe's economic development and the Government's ability to promote the economic, social and cultural rights of citizens.

17. Mr. RATTRAY asked whether the rights set out in the Covenant were genuinely regarded as such both by the Government and by the population, bearing in mind Zimbabwe's colonial past. He understood that the Covenant had to be incorporated into domestic legislation in order to be applied, as its provisions were not applicable directly. On the other hand, the Constitution guaranteed respect for civil and political rights before the courts. However, he noted that certain rights such as the right to work, the right to form trade unions and the right to strike were covered in legislation. He asked to what extent any breach of those rights could be a matter for prosecution in the courts.

18. Mr. CEAUSU commended the report for its quality but regretted the lack of statistics in certain areas. As the reply to question No. 7 indicated that the Government of Zimbabwe had taken no measures to inform the public about the Covenant, he wished to know whether the text of the Covenant had been published in the Zimbabwe Government Gazette, as was customary in other countries.

19. Mrs. JIMENEZ BUTRAGUEÑO wished to have more detailed information on the role and nature of NGOs in Zimbabwe. Did associations exist that represented women, the elderly, minorities, and so on? Cooperation on the part of NGOs could be very useful in a country facing problems of structural adjustment like Zimbabwe.

20. Mr. CHIFAMBA (Zimbabwe), replying to Mrs. Bonoan-Dandan, said that because of the financial constraints imposed by the Economic Structural Adjustment Programme, a contribution was requested for the education of primary school children, but only in urban areas, and low-income families received assistance from the Social Dimensions Fund. In the rural areas, education remained free. Nevertheless, economic growth in developing countries did not depend only on the steps taken by the Governments of those States, but also on many other outside factors. In addition, the Bretton Woods institutions, under their development programmes, granted certain types of funding only on very strict terms which produced adverse social effects in the recipient countries.

21. Concerning participation by NGOs in the preparation of the report and the search for solutions to the problems generated by the structural adjustment programme, he said that NGOs were not directly represented and that it was governmental machinery which oversaw progress by Zimbabwe in discharging its obligations in the field of human rights. On the other hand, NGOs provided assistance to vulnerable groups among the population. The Government urged such organizations to evaluate the needs of the people before launching any project, so that its results would be lasting ones.

22. He saw no contradiction between the information supplied in the report and that set out in his introductory statement on human rights education; perhaps a question of presentation was involved. The population of Zimbabwe was aware of its economic, social and cultural rights, but was also aware of the fact that the Government was not wholly in a position to guarantee their full realization.

23. In response to Mr. Sadi's question concerning the status of the Covenant, he said that some elements of the Covenant had been taken up in Zimbabwean legislation, but that it was true that it had perhaps not played a fundamental role in the drafting of legislation. However, the legislation would be progressively revised so as to take into account all the provisions of the Covenant. He did not think that the Economic Structural Adjustment Programme fully took account of the rights set out in the Covenant, but the drafting of the programme owed more to the Bretton Woods institutions than the Government.

24. In answer to Mr. Texier's question, he said that provision was made for social welfare measures for victims of the structural adjustment programme.

In addition to the fund for the social aspects of the programme, there were training programmes to help the victims of downsizing to set up their own businesses. However, those arrangements were still inadequate, and Zimbabwe would appreciate assistance from the international community to remedy the situation.

25. The Covenant could be invoked in the courts, but only the sections that had already been incorporated into domestic legislation. In response to Mr. Adekuoye, he said that civil servants and public officials were made aware of the rights set out in the Covenant. For example, under a programme organized by the International Committee of the Red Cross, all Zimbabwean soldiers participating in peacekeeping missions were given training in international humanitarian law and human rights in general.

26. He took note of the Committee's concerns regarding the limited powers of the Ombudsman, and promised to draw the matter to the attention of the appropriate authorities. As to whether regional cooperation had hampered the application of the structural adjustment programme, despite undoubted difficulties, relations with neighbouring countries had enabled Zimbabwe to make the adjustment successfully. For example, the normalization in Mozambique and Angola had enabled Zimbabwean businessmen to set up joint enterprises, stimulating the export sector.

27. In response to Mr. Rattray, he said that the principles set out in the Covenant were effectively recognized rights. They were not only rights and principles, but also ideals for which Zimbabwe had waged its war of liberation. The Government of Zimbabwe intended to apply them, even though it was aware of its limited resources for that purpose. The text of the Covenant had been published in the Government Gazette and had been freely debated in Parliament.

28. Mr. CEVILLE said he understood that the rights set out in the Covenant, which were ideals to which Zimbabwe aspired, had to be incorporated into domestic legislation before being applied, and that there was a relationship between the level of economic development and the application of the Covenant's principles. In that regard, what methods were used to gauge the relationship between national economic growth and the recognition of rights which were universal? In view of the fact that Zimbabwe had acceded to the Covenant without making any reservations, why were the rights set out in it not applied in full? Referring to paragraph 12 of Zimbabwe's initial report, he sought further information on the circumstances in which restrictions on the enjoyment of economic, social and cultural rights were permissible.

29. Mr. ADEKUOYE, returning to the structural adjustment programme, wished to know the amount of the assistance received by Zimbabwe from various sources for the implementation of the programme. On the subject of regional cooperation, he was aware of the difficulties encountered within subregional bodies, but wondered whether the countries of the subregion, at the annual meetings of the Council of Ministers, considered the various aspects of national structural adjustment programmes and measures to be taken to deal better with their impacts.

30. Mrs. JIMENEZ BUTRAGUEÑO, noting that the Covenant took effect only if it was incorporated into domestic legislation, asked which rights had already been included in Zimbabwe's laws and what practical measures had been taken to that end. She also wished to know how the Government coordinated its activities with those of NGOs. Was there a special office handling such coordination?

31. Mr. ANTANOVICH asked for more detail on the legal framework established to protect human rights. What political, economic and social means had Zimbabwe used to incorporate in its domestic legislation the measures of protection set out in the Covenant, so as to address its economic and social problems? What reforms of domestic legislation did Zimbabwe envisage to ensure that most of the provisions of the Covenant could be implemented?

32. Mr. CHIFAMBA (Zimbabwe) acknowledged that, as it had not made any reservations on acceding to the Covenant, his Government should be in a position to apply all of its provisions. The absence of reservations illustrated Zimbabwe's resolve to discharge all the obligations it had entered into under the Covenant. However, owing to the limited resources available, the matter would be dealt with step by step.

33. Responding to a question from Mr. Adekuoye, he said that Zimbabwe had received economic assistance at the start of the application of the structural adjustment programme, enabling it to finance food programmes, but that following budget overruns arising from overspending to combat the drought of 1991-1992, the Bretton Woods institutions had refused to grant additional financing. However, bilateral agreements had been signed with the Nordic countries, the funds obtained being allocated principally for projects involving water supply, sanitation and efforts to combat poverty. On the subject of regional cooperation, the ministers and senior officials of the countries concerned discussed the problems posed by national structural adjustment programmes. He pointed out that those programmes had worked against regional cooperation and integration, in particular as a result of the dollarization of foreign trade and the rise in transport costs they had caused.

34. He said he would indicate when the implementation of each of the articles of the Covenant was considered which economic, social and cultural rights had or had not been incorporated in domestic legislation. Regarding cooperation between the Government and non-governmental organizations (NGOs), such organizations had to register either with the Ministry of Agriculture or with the Ministry of Public Service, Labour and Social Welfare, and supply information on their sources of funding, their concerns and their desired fields of activity. Although NGOs were free to carry out their projects, the authorities were increasingly striving to monitor their activities to ensure that they were in keeping with the Government's development objectives. NGOs were also encouraged to involve the local people in their projects and to report to them on their implementation.

35. In response to Mr. Antanovich, he said that the Government was endeavouring to build a law-drafting capacity, and appealed for international cooperation for that purpose, particularly assistance from United Nations bodies.

36. The CHAIRPERSON expressed the wish that, in the discussion on the implementation of each of the articles of the Covenant, the delegation of Zimbabwe would reply precisely to the questions which had not been taken up in the written replies.

37. Mrs. BONOAN-DANDAN endorsed the views of the Chairperson, expressing regret that the delegation had spoken more of Zimbabwe's serious economic situation and development problems than of human rights issues. She sought information on the situation of people who had fallen victim to the drought and the structural adjustment programme, as well as the measures the Government had taken to help them. The States parties to the Covenant had committed themselves to protecting all citizens, and economic, social and cultural rights were not ideals, but rights.

38. Mr. CHIFAMBA (Zimbabwe) replied that he had striven to place human rights issues in the particular context of Zimbabwe. He was guided by a spirit of cooperation and a desire to advance human rights. He simply wished to point out that economic, social and cultural rights were not only rights, but also ideals, as the Government lacked the means to guarantee them.

39. The CHAIRPERSON said it was difficult to separate human rights from the economic, social and political context. That was why the Committee made an effort to gather general information. However, it needed precise answers to the questions posed in order to decide, in its concluding observations, whether the Government was taking steps to guarantee and promote the rights recognized in the Covenant.

40. Mr. SADI, noting that the governing party held almost all of the seats in Parliament, asked for what reasons the Government had been unable to establish a pluralist democracy, so as to allow the population to exercise its economic, social and cultural rights freely. He also wondered whether the judiciary was truly free and independent, since judges were appointed by the President, in consultation with the Judiciary Service Commission. On the subject of discrimination on grounds of sex, he noted the major legislative measures adopted to guarantee equality between men and women, but expressed concern as to the discriminatory nature of customary law. He wished to know whether women continued to suffer discrimination.

41. Mr. ADEKUOYE inquired into the situation of the population in rural areas vis-à-vis the urban population, particularly where discrimination was concerned. He pointed out that, although the legislation on the rights of the disabled was very generous, the authorities themselves did not respect some of its provisions. Moreover, the Board established in 1992 to protect the interests of the disabled had met only twice before its budget was cut by the Ministry of Public Service, Labour and Social Welfare. Why was that?

42. Mrs. JIMENEZ BUTRAGUEÑO asked for more information on the current situation of women. Did they enjoy the same rights as men in the family, in access to work, credit and housing, and in penal matters?

43. Mr. ANTANOVICH sought clarification on paragraphs 10 and 12 of the report (E/1990/5/Add.28).

44. Mr. ADEKUOYE wished to know whether an inheritance law had been adopted on the basis of the White Paper drawn up by the Government and organizations for the protection of women's rights, and, if so, how far its provisions redressed the discriminatory features of customary law.

45. Mr. THAPALIA asked for more information on the de facto discrimination suffered by women, and asked how far the Government of Zimbabwe was committed to ensuring de facto and de jure equality between men and women in the economic, social and cultural fields (written replies, para. 12). Could badly treated persons receive legal aid in matters of discrimination or inequality?

46. Mr. RIEDEL congratulated the delegation on the quality of the written replies on the implementation of article 2 of the Covenant. However, he wished to have specific information on the anti-discrimination campaigns among the population, and asked whether they would be followed up in order to evaluate their results.

The meeting rose at 1 p.m.